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UNCLAS SECTION 01 OF 02 PRAGUE 000610

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TAGS: [PGOV](#) [PREL](#) [EZ](#)
SUBJECT: CZECH ELECTIONS: NEXT STEPS ACCORDING TO THE
CONSTITUTION

REF: PRAGUE 607

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¶1. (U) SUMMARY: In spite of the weekend electoral stalemate resulting in an evenly-divided Parliament, with the right and the left camp each holding 100 seats in a 200-seat Chamber of Deputies (lower house of Parliament), the Czech constitution gives clear guidelines on the way forward. The President announced on June 5 that the new Parliament will convene for the first time on June 16, well within the 30-days-from-the-election window mandated by the Constitution. The right-of-center Civic Democrats (ODS), which won the largest number of Parliamentary seats, will make the first attempt to form a government, which must be approved by the President. There is no constitutionally-mandated timeline for the naming of a government or for a Presidential approval. Once the President approves the list, however, Parliament must hold a vote of confidence within 30 days. These steps together could take weeks, or possibly even months. END SUMMARY.

¶2. (U) The current Parliament's four-year term expires June 15, and according to the Czech Constitution, President Klaus must call the new Parliament into session within 30 days of the elections (between June 16 and July 3). Klaus announced on the afternoon of June 5 that Parliament will meet on June 16. When the new Parliament meets, it must choose a Speaker and five Deputy Speakers and begin discussions on committee assignments. As soon as the new Parliament convenes, the old government must officially tender its collective resignation to the President, but continues to rule until a new government is approved by Parliament.

¶3. On June 5, President Klaus asked the leader of the party that received the most votes, Mirek Topolánek of the Civic Democrats (ODS), to be the next Prime Minister and to put together a government. Topolánek will meet leaders of prospective partners, the Christian Democrats (KDU-CSL) and the Green Party (SZ), to form a coalition. The Greens have already scheduled a meeting of the party's executive board on June 10 to discuss the party position for coalition talks. President Klaus will meet with Topolánek again on/around June 14 to discuss progress on forming the next cabinet. Once Topolánek has put together his list of names, the President must approve the names. The President can express his objection to any of the names and stall the formation of a new government, but he cannot make his own nominations. In this case, since President Klaus is the founder and honorary chairman of ODS, he is not expected to object to Topolánek's choices. (Note: The personal animosity between Klaus and Topolánek adds an element of uncertainty to this prediction. End Note.)

¶4. (U) Once the President approves the proposed new

government, Parliament has 30 days to hold a vote of confidence, which requires the votes of more than half of the Deputies present. Since ODS and its prospective coalition partners have a total of only 100 seats in the 200-seat Chamber, they could fail unless they manage to get at least one Parliamentarian to defect to their side. Topolanek and Klaus are both expected to try and persuade some members of the new opposition Social Democrats (CSSD) to leave party ranks and support a minority ODS-led administration in the vote of confidence by at least abstaining in the vote or not attending the vote at all. Even under such a scenario, the fragile minority ODS-led government will have difficulty passing many of the bills ODS promised in its pre-election campaign.

15. (U) If the Topolanek government fails in the vote of confidence, the President picks a second person to form a government, according to the Czech Constitution. In the post-Communist era, the post-election process has never gone beyond the first attempt to form a government, so there is little precedent or tradition to follow. The Constitution does not specify who the president should appoint as Prime Minister in such an event. He could pick a second leader from the party that got the most votes (i.e., current Prague Mayor Pavel Bem), the leader of another party, or even somebody who was not even a candidate in the election. That person chooses a cabinet and submits the names to the President, who must approve this second cabinet, though the constitution gives him no deadlines for doing so. Once the president approves, Parliament, again, has 30 days to put this second cabinet to a vote of confidence.

16. (U) If this second government also fails in the vote of confidence, the newly elected Speaker of the Chamber, who in this case will be an ODS parliamentarian, proposes a third individual for Prime Minister and this candidate goes through the same procedure as the first two candidates. If the third

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government also fails in the vote of confidence, the President has the right to dissolve the new parliament and early elections are held within 60 days.
DODMAN